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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.N.RAMACHANDRAN NAIR

&

THE HONOURABLE MR.JUSTICE. P.S.GOPINATHAN

MONDAY, THE 11TH DAY OF JUNE 2012/21ST JYAISHTA 1934

WA.No. 1553 of 2008 IN WPC NO.10817/2008

AGAINST THE JUDGMENT IN WPC.10817/2008 DATED 8-04-2008

APPELLANT:-----

JANILKUMAR, TAHSILDAR, KOZHIKODE

BY ADVS.SRI.K.MOHANAKANNAN

SMT.A.R.PRAVITHA

RESPONDENTS:-----

1. STATE INFORMATION COMMISSION, KERALA

PUNNEN ROAD, THIRUVANANTHAPURAM.

2. P.RADHAKRISHNAN, PAVOOR HOUSE,
THAROPINE POST, VATAKARA TALUK, KOZHIKODE.

3. TAHSILDAR, VATAKARA(PUBLIC
INFORMATION OFFIDER).

BY ADV. SRI.M.AJAY, SC, STATE INFORMATION COMMISSION
BY GOVERNMENT PLEADER SRI.LIJU STEPHEN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 28-5-2012, THE
COURT ON 11.6.2012 DELIVERED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR &

P.S. GOPINATHAN, JJ.

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W.A. NO. 1553 OF 2008

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DATED THIS, THE 11th DAY OF JUNE, 2012.

J U D G M E N T

P.S. Gopinathan, J.

The appellant was working as Junior Superintendent at the office of the Tahsildar, Vadakara. As such, he was designated as Assistant Public Information Officer under Section 5 of the Right to Information Act

(hereinafter referred to as the 'Act'). The second respondent herein made a request to the appellant for certain information under Section 6(1) of the Act, through Ext.P1 application. But Ext.P1 was returned with some sarcastic comments. The result is that the information requested was not furnished to the second respondent. The second respondent preferred Ext.P2 complaint before the first respondent. Notice was issued to the appellant to show cause for not imposing penalty. Appellant filed statement. After due enquiry, the first respondent, by Ext.P8 order, arrived at a conclusion that the request of the second respondent for information was declined by the appellant for no good reason and that though the second respondent subsequently applied and obtained information, there was delay of seven months. Consequently, under Section 20(1) of the Act, by Ext.P8 order, a penalty of Rs. 10,000/- was imposed against the appellant. Assailing Ext. P8, the appellant preferred W.P.(c) 10817 of 2008. By the judgment dated 8.4.2000, the learned Single Judge declined to interfere with Ext.P8 order. Now this appeal.

2. Having heard the learned counsel for the appellant and perusing the records as well as the judgment impugned, we find that the information requested by the second respondent was declined by the appellant for no good reason and there was delay of seven months in getting information. The first respondent as well as the learned Single Judge had considered the circumstances leading to the denial of the request for information and rightly arrived at a conclusion that there was willful omission on the side of the appellant to give the information requested for. It is a finding on facts.

On an anxious consideration, we do find no error to be rectified in appeal. The failure to furnish the information is penal under Section 20 of the Act. Ext.P8 order imposing penalty is in tune with Section 20. The learned Single Judge is right in not interfering with the order imposing penalty. However, taking note that the appellant is not a highly paid officer and that this is a first instance at his hands, we are of opinion that it would be just and appropriate to reduce the penalty to Rs. 5,000/-.

Accordingly, the writ appeal is disposed of confirming the order imposing penalty, but reducing the penalty to Rs. 5,000/- (rupees five thousand only).

C.N. RAMACHANDRAN NAIR,
(JUDGE)

P.S. GOPINATHAN,
(JUDGE)

KNC/-

